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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,530	10/27/2003	Holger Richert	SANZ-251	1899

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EXAMINER	
BAUER, SCOTT ALLEN	

ART UNIT	PAPER NUMBER
2836	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/694,530	Applicant(s) RICHERT ET AL.	
	Examiner SCOTT BAUER	Art Unit 2836	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *21-32*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Michael J Sherry/
Supervisory Patent Examiner, Art Unit 2836

Continuation of 11. does NOT place the application in condition for allowance because: the arguments are not persuasive. Applicant argues that the Bauer reference does not teach all claimed language of independent claim 21 and further argues that the previous final rejection does not specifically show where in Bauer all features are disclosed. Applicant divides claim 21 into six separate features a) - f) and alleges that Bauer does not teach the features of items b), c), e) & f). As Applicant states, Bauer, in column 5 lines 7-31, teaches item a) a configuration for n consumers of electrical energy. Bauer states that there are 32 three phase motors which are the n consumers. In order to establish that Bauer teaches the remainder of the claim, it is understood that in the invention of Bauer, each motor (6) will only have a single VSD connected to it at any given moment. It is believed that Applicant agrees with this statement as applicant argues on page 5 paragraph 2 of the after final amendment that Bauer does not speak of a sum of the power supplied to the consumers but discloses that each consumer is connected to one module only. Further support for this can be found in column 5 lines 37-39 which is also cited by the Applicant. With this in mind, it can now be seen how items b) -f) are taught by the Bauer reference. Items b) & c) claim that "m consumers are supplied simultaneously with energy wherein at any time m < n". In column 1, lines 45-46, Bauer states that the number of VSD's supplied will be equal to the number of motors required to run at the same time. As Bauer teaches in column 5 lines 7-31, the system comprises 12 VSDs. Therefore, of the n = 32 motors supplied, only m = 12 of the motors will at any given time be supplied with energy, thus the number of consumers required to be powered simultaneously with energy will always be less than the number of consumers provided thus satisfying b) and c). As Applicant states, Bauer teaches item d) disclosing "whereby a modular energy supply comprising k energy modules is provided". The VSDs comprise a modular energy source with k = 12.

With regard to item e), Bauer teaches that the sum of the power modules is smaller than the power which would be necessary, if all n consumers simultaneously required electrical power. As discussed above, only one VDS module may be connected to a given consumer motor at any given time. As such the sum of power supplyable by the 12 VDS energy modules would only be enough to power 12 consumers which is smaller than the power that would be necessary, if all 32 consumers simultaneously required electrical power. Therefore the sum of the power supplied by the energy modules would never be more than the power required to operate 12 consumers. This sum is less than the power that would be required to run all 32 motors as 20 consumers would be with out power at any given moment. Finally Bauer teaches f) which claims that "a control is provided which connects as many energy modules to receptive one of the m consumers so that this consumer receives the power required by said consumer". It the instance given by Bauer a control (8) and switch (30) is provided to connect a VDS to the motor when power is required. In the system of Bauer each motor will ever only require a single energy module to receive the required power for operation. When the controller (8) connects a VDS to a given motor it thus connects as many energy modules (only one) to receptive one of the m consumers so that this consumer receives the power required by the consumer because the consumer will only ever require the power of a single VDS. As such it is believed that Bauer teaches all the features of independent claim 21, Each of Applicants individual arguments will now be addressed.

Applicant first argues that items b) and c) are not taught. As explained above, Bauer discloses that of 32 consumers, only 12 can be supplied with energy at any given time. Applicant next concedes that the VSDs of Bauer may be called energy modules but contends that buses 26 and 24 are primarily information buses and only power buses secondary. However, as seen in Figure 4, the power bus is supplied by VDS 10 with power (5+E) which is supplied to the motor (6) through switch (34). The information bus is connected to the motor via switch 32 and is separate from the power. Bauer teaches that switch 34. In column 5 lines 51-55, Bauer teaches that the switch 34 is used for switching a number of heavy currents. As such it is believed that the buses 38 are used primarily as a power source. Applicant further argues that Bauer does not speak of a sum of power supplied to the consumers but rather discloses that each consumer is connected to one module only. The power modules (10) of Bauer would necessarily provide a total sum of power to the various motors regardless of the fact that only one is connected at any given time. Applicant states that column 1 lines 31-49 has nothing to do with the present invention as in Applicant's invention the number k of energy modules will not be reduced to the number of consumers and that k are not equal to m. Although the difference in the disclosure of Bauer and the present invention may be true, this feature is not claimed. The cited paragraph is relevant because it establishes that there will be a fewer number of supplies than consumers and that the number m will be no greater than the number k. As k is always less than n, m will always be less than n as well. Although the number k has nothing to do with the number m in the present invention, this teaching of Bauer is important to establish that m<n.

Next Applicant states that Bauer does not teach that the powers of the VSDs are added, arguing that only one VSD can be connected to a consumer at a given time and that it would not make sense to couple a plurality of VSDs to a single motor. As stated above, when more than one energy module is connected to more than one motor, the total power supplied must be equal to the sum of the power supplied by each module (10). As each power module can only ever supply one consumer at a time, the sum of the total power supplied would always be enough at a maximum to supply m consumers with power and thus this sum total would never be enough to drive all n consumers.

Applicant next argues that in the present invention, the consumers need more than one power supply to operate. Applicant is assuming that to meet the language of the claim, more than one modular energy supply must be able to be connected to a single consumer. However the language in the claim states that the controller must simply connect as many energy modules to receptive one of the m consumers so that the consumer receives the power required by the consumer. As conceded by Applicant the consumers will never need more than one energy module connected to receive the power required by the consumer. If applicant wishes to overcome the Bauer reference, Applicant should describe the invention in claim 21 to require that more than one energy module be able to be to connected to a single consumer.

Applicant next argues that Bauer does not teach claim 32 as Bauer does not specifically teach that each of the energy modules has the same power. However, one of ordinary skill in the art would recognize that each energy module has the potential of powering at least two different motors through the operation of the device. This can be seen in that each modular energy supply is connected to two different motors via to different switches (30). It would not make sense to one of ordinary skill in the art to drive the same motor with two different powers as each power source should operate each consumer identically. Applicant then argues that Bauer does teach a plurality of energy modules which are connected to one of the m consumers and instead teaches that only one will be connected to a consumer. However as stated above, the claim does not require a plurality of modules be connected to single consumer, only that the controller will connect as many modules as required to power the consumer, which in the case of Bauer is one.

Applicant next argues that Bauer and Sellers are unrelated. However, the seller reference is only used to provide a specific load in which the invention of Bauer drives. The invention of Bauer could be used to drive any number of kinds of loads where there is a possibility that every single load will not be used at the same time. There is no reason why one of ordinary skill in the art would not have a need for more than one sputterer. As such the previous rejection is maintained. The Amendment of claim 32 does not change the rejection or scope of the claim and as such will be entered.

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